

CITY COUNCIL, CITY OF LODI
CITY HALL COUNCIL CHAMBERS
APRIL 16, 1975

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m. on Wednesday, April 16, 1975, in the City Hall Council Chambers.

ROLL CALL: Present: Councilmen - EHRHARDT, HUGHES, KATNICH, PINKERTON and SCHAFER

Absent: Councilmen - None

Also Present: City Manager Graves, Assistant City Manager Glenn, City Attorney Mullen (arrived 8:03 p.m.), Assistant Planner Gregory Freitas, and Assistant City Engineer Glenn Robison

INVOCATION: The invocation was given by Bishop Joe Lurf, Church of Jesus Christ of Latter Day Saints.

PLEDGE: Mayor Schaffer led the Pledge of Allegiance to the flag.

MINUTES: Councilman Katnich moved that the minutes of April 2, 1975 be approved as written and mailed. The motion was seconded by Councilman Pinkerton and carried.

PUBLIC HEARING: Notice thereof having been published and posted in accordance with law and affidavit of publication and posting being on file in the office of the City Clerk, Mayor Schaffer called for the public hearing concerning the Chief Building Inspector's Report on the costs incurred by the City of Lodi in abating substandard conditions at 11 South Garfield Street, Lodi, California.

The matter was introduced by City Manager Graves.

ASSESSMENT CONFIRMED-11 S. GARFIELD ST. There being no persons in the audience wishing to speak on the matter, the public portion of the hearing was closed. On motion of Councilman Katnich, Hughes second, Council adopted Resolution No. 4050 confirming the assessment on property at 11 South Garfield Street, Lodi, California.

RES, NO. 4050

PROCLAMATIONS Mayor Schaffer took the following actions:

a. Proclaimed the month of May as "Family Unity Month" which proclamation was received by Bishop Joe Lurf and Bishop Stephen G. Demetras of the Church of Jesus Christ of the Latter Day Saints.

b. Proclaimed April 20-26, 1975 as "Realtor Week"

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PLANNING COMMISSION

The City Manager gave the following report of the Planning Commission meeting of April 14, 1975:

GENERAL PLAN
AMENDMENT 75-2

99-50

Approved Resolution No. 75-1 recommending and approving General Plan Amendment 75-2 which revises the industrial portion of the City's General Plan Land Use Element. The Resolution includes the following major items:

1. that approximately 25 acres presently designated industrial in our downtown area and bounded by the Southern Pacific Railroad, Lockeford Street, Lodi Avenue and a north-south line half a block east of Sacramento Street be re-designated General Commercial.
2. that our existing single "INDUSTRIAL" General Plan classification be replaced with three new Industrial General Plan classifications, namely, "LIGHT, MEDIUM, AND HEAVY INDUSTRIAL" classifications as shown on a proposed revision to the Land Use Map.
3. that approximately 345 acres of residentially-classified land now shown on our General Plan east of U. S. 99-50 be revised to various Industrial General Plan classifications.
4. that a proposed phasing plan be adopted whereby undeveloped areas will be phased to permit development to coincide with the future demand for industrial land and the adequate availability of all public utilities and services. Later phased areas will develop after an earlier and adjacent phased area has been at least 80% developed for urban purposes. Areas included in phases 0 through 4 are classified LIGHT, MEDIUM or HEAVY Industry. Phase 5 is recommended to be designated as future Industrial, a holding phase which reserves land for industrial purposes to be classified after 50% of phase 3 areas are developed.
5. The Commission also proposes, as part of the amendment, an updated Street and Rail Line Master Plan for phases 1 through 4 east of U. S. 99-50.

Following discussion by Council, Mayor Schaffer directed that the matter be set for shirt-sleeve discussion with the date for Public Hearing to be set at a later time.

ACTIONS OF
INTEREST

The Planning Commission also took the following actions of interest to the City Council:

1. Approved a Use Permit for Foodmaker, Inc. by Mr. Kent Woodell for an off-street parking lot in conjunction with a Jack-in-the-Box Restaurant at 240 S. Hutchins Street north of 419 West Lodi Avenue in an area zoned R-HD, Residential High

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Density Multiple Family District. The Use Permit was approved subject to final site plan approval by the Lodi Site Plan and Architectural Review Committee (SPARC).

2. Certified the Final Environmental Impact Report for the General Plan Amendment 75-2 (Industrial Areas) as being adequate after holding a public hearing on the matter.

3. Set for public hearing on April 28, 1975 a request by Ms. Kathleen J. Ball and Mr. Don Handey for a Use Permit to establish an Electronic Amusement Center at 219 East Kettleman Lane in an area zoned C-2, General Commercial.

4. Recommended that the San Joaquin County Board of Zoning Adjustment approve a request by Mrs. Vivian E. Hughes to remove a 90-foot by 481-foot parcel from an agricultural area and add on to an existing industrial use on the north side of East Pine Street, 305 feet east of the Central California Traction Company right-of-way in an area zoned I-PA, Interim-Protected Agriculture.

In recommending approval of the request, the Commission found that this action conforms to the Land Use Element of the General Plan, and that although the proposal was in a phase 5 - Future Industrial Reserve area, it was not a proposed new use, but rather an expansion of an existing industrial use.

WELCOME TO VISITORS

Mayor Schaffer welcomed Mr. Lattimer and members of his U. S. Government class who were in the audience, a number of students visiting from Delta College, and the Boy Scout Troop and representatives from the Church of Jesus Christ of Latter Day Saints, who were also in the audience.

COMMUNICATIONS

City Clerk Reimche presented an invitation to Council and staff from the Lodi Orioles Baseball Club to attend the opening game of their Baseball season at Lawrence Park, Tuesday, April 22, 1975 at 7:00 p.m. against the Modesto Athletics.

WHITE SLOUGH WATER POLLUTION PLANT EXPANSION PROGRAM

Councilman Pinkerton requested that Staff arrive at a cost estimate of the White Slough Water Pollution Plant expansion program as of this date, to develop a time schedule for this project, and to be prepared to identify cost increases resulting from delays in this work schedule.

CONSENT CALENDAR

In accordance with report and recommendation of the City Manager, the following actions hereby set forth between asterisks, on motion of Councilman Pinkerton, Ehrhardt second, were approved by Council:

CLAIMS

CLAIMS WERE APPROVED IN THE AMOUNT OF \$728,816.69.

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**AWARD-LODI AVE.
ST. IMPROVEMENTS
(AVENA TO CALIF.)**

Per report of the City Manager, bids have been received for the contract for Lodi Avenue Street Improvements - Avena Avenue to California Street as follows:

RES. NO. 4051	BIDDER	AMOUNT	
		Alternate "A"	Alternate "B"
	Claude C. Wood Co.	\$129,894.20	\$127,573.70
	Teichert Construction	\$149,583.00	\$148,868.00

Report and recommendation of the City Manager indicated that the award be made to Claude C. Wood Co., the low bidder, in the amount of \$127,573.70.

RESOLUTION NO. 4051

RESOLUTION AWARDING THE CONTRACT FOR LODI AVENUE STREET IMPROVEMENTS - AVENA AVENUE TO CALIFORNIA STREET TO CLAUDE C. WOOD CO., THE LOW BIDDER, IN THE AMOUNT OF \$127,573.70.

City Manager Graves presented to the Council a report listing the bids received for Well Drilling, Well #18 as follows:

<u>BIDDER</u>	<u>BID</u>
Ben Barrow Drilling Co., Inc.	\$38,881.46
Grabow Well Drilling Co., Inc.	\$40,992.00
Clark Well & Equipment Co.	\$41,098.00
Arthur & Orum Well Drilling Co.	\$42,468.00
Myers Brothers, Inc.	\$42,575.00
Winter-Abajian Well Drilling	\$48,747.78

**AWARD-WELL
DRILLING, WELL
NO. 18**

The City Manager recommended that the award be made to Ben Barrow Drilling Company, Inc., the low bidder, in the amount of \$38,881.46.

RES. NO. 4052

RESOLUTION NO. 4052

RESOLUTION AWARDING THE CONTRACT FOR WELL DRILLING, WELL NO. 18, TO BEN BARROW DRILLING CO., INC., THE LOW BIDDER, IN THE AMOUNT OF \$38,881.46.

**AWARD-ASPHALT
MATERIAL 4TH
QUARTER FISCAL
1974-75**

Per report of the City Manager, bids have been received for the contract for asphalt material for the 4th Quarter of fiscal 1974-75 as follows:

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	1500 TON AC, TYPE B 3/8", 5.8% Asphalt Binder AR-4000			500 TON AC, TYPE B 1/2", 5.8% Asphalt Binder AR-4000			200 TON AC, TYPE B 3/8", 5.8% SC-800 Asphalt Binder		
BIDDER	A F.O.B. Plant	B Stockpile City Limits	C Hopper of Paver	A F.O.B. Plant	B Stockpile City Limits	C Hopper of Paver	A F.O.B. Plant	B Stockpile City Limits	C Hopper of Paver
<u>Industrial Asphalt, Linden</u>	\$ 8.85	\$10.98	\$10.98	\$ 8.45	\$10.58	\$10.58	\$ 8.85	\$10.85	\$10.98
Plus: 6% sales tax	9.38	11.64	11.64	8.96	11.21	11.21	9.38	11.50	11.64
Plus: City cost for mileage(\$2.37)	11.75			11.33			11.75		
COMMENTS: \$23.23/hr standby rate after 20 minutes									
<u>McGow Co., French Camp</u>	\$ 9.70	\$11.40	\$11.70	\$ 9.70	\$11.40	\$11.70	\$11.80	\$13.50	\$13.80
Less: \$0.50/ton for prompt payment	9.20	10.90	11.20	9.20	10.90	11.20	11.30	13.00	13.30
Less: \$0.07/ton per 0.1% change in asphalt (Type B 3/8", 5.5% = \$0.21, 1/2", 5.3% = \$0.35)	8.99	10.69	10.99	8.85	10.55	10.85	11.09	12.79	13.09
Plus: 6% sales tax	9.53	11.33	11.65	9.38	11.18	11.50	11.76	13.56	13.88
Plus: City cost for mileage(\$1.84)	11.37			11.22			13.60		
<u>Claude C. Wood Co., Clements</u>	\$ 9.25	\$11.10	\$11.75	\$ 9.00	\$10.85	\$11.50	\$ 9.95	\$11.80	\$12.45
Less: \$0.10/ton for prompt payment	9.15	11.00	11.65	8.90	10.75	11.40	9.85	11.70	12.35
Plus: 6% sales tax	9.70	11.66	12.35	9.43	11.40	12.08	10.44	12.40	13.09
Plus: City cost for mileage(\$1.26)	10.96			10.69			11.70		
<u>Teichert Construction, Clements</u>	\$10.95	\$12.35	\$12.50	\$10.95	\$12.35	\$12.50	\$10.95	\$12.35	\$12.50
Plus: 6% sales tax	11.61	13.09	13.25	11.61	13.09	13.25	11.61	13.09	13.25
Plus: City cost for mileage(\$1.26)	12.87			12.87			12.87		
COMMENTS: 20 minutes free standby All material meets State specs.									

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RES. NO. 4053

Report and recommendation of the City Manager indicates that the award be made to Industrial Asphalt, the low bidder, in the amount of the bid.

RESOLUTION NO. 4053

RESOLUTION AWARDING THE CONTRACT FOR ASPHALT MATERIAL FOR 4TH QUARTER OF FISCAL 1974-75 TO INDUSTRIAL ASPHALT, THE LOW BIDDER, IN THE AMOUNT OF THE BID.

City Manager Graves presented to the Council a report listing the bids received for a Turf Truckster for the Parks Department as follows:

<u>BIDDER</u>	<u>AMOUNT</u>
Totten Equipment Co.	\$3, 156.00
Kirby Equipment Co.	\$3, 138.66

AWARD-TURF
TRUCKSTER FOR
PARKS DEPT,
11-12-75

The City Manager recommended that the award be made to Kirby Equipment Company, the low bidder, in the amount of \$3, 138.66.

RESOLUTION NO. 4054

RES. NO. 4054

SPECIAL
ALLOCATION
APPROVED

RESOLUTION AWARDING THE CONTRACT FOR A TURF TRUCKSTER FOR THE PARKS DEPARTMENT TO KIRBY EQUIPMENT COMPANY, THE LOW BIDDER, IN THE AMOUNT OF \$3, 138.66.

COUNCIL ALSO APPROVED A SPECIAL ALLOCATION IN THE AMOUNT OF \$1272.00 TO COVER A BUDGET OVERRUN ON THIS PIECE OF EQUIPMENT.

LOWER SACRA -
MENTO RD. MEDIAN
STRIP-CURB &
GUTTER ACCEPTED
11-12-75

City Manager Graves reported that the contract for "Lower Sacramento Road Median Strip - Curb and Gutter", which had been awarded to Mr. William Burkhardt on January 15, 1975, has been completed in substantial conformance with the plans and specifications approved by the City Council.

COUNCIL ACCEPTED IMPROVEMENTS IN "LOWER SACRAMENTO ROAD MEDIAN STRIP - CURB AND GUTTER", AND DIRECTED THE PUBLIC WORKS DIRECTOR TO FILE A NOTICE OF COMPLETION WITH THE COUNTY RECORDER'S OFFICE.

The City Manager reported that annexation proceedings on the Community Hospital Addition and the Neuharth-East Addition have been completed, and that it would now be in order for the Council to adopt resolutions withdrawing the Community Hospital Addition and the Neuharth-East Addition from the Woodbridge Rural County Fire Protection District.

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COMMUNITY HOS-
PITAL ADDN,
WITHDRAWN FROM
WRFPD

RESOLUTION NO. 4055

RESOLUTION WITHDRAWING COMMUNITY
HOSPITAL ADDITION FROM THE WOODBRIDGE
RURAL COUNTY FIRE PROTECTION DISTRICT.

RES. NO. 4055

NEUHARTH-EAST
ADDN, WITHDRAWN
FROM WRFPD

RESOLUTION NO. 4056

RESOLUTION WITHDRAWING NEUHARTH-EAST
ADDITION FROM THE WOODBRIDGE RURAL
COUNTY FIRE PROTECTION DISTRICT.

RES. NO. 4056

SPECS APPROVED
ON SALE OF HOUSES
LOCATED ON
LIBRARY SITE
PROPERTY

Following recommendation of City Manager Graves,
on motion of Councilman Ehrhardt, Hughes second,
Council approved the specifications for the sale
only of houses located on library site property at
210 North Pleasant and 223 West Locust Street and
authorized the City Clerk to advertise for bids
thereon.

PASSENGER LOAD-
ING & UNLOADING
ZONE ESTABLISHED
AT ERMA REESE
SCHOOL

The City Manager advised the Council that Mr.
Jerome Abatangle, Principal of Erma Reese School,
had requested additional curb space on the south
side of Elm Street adjacent to the school for the
purpose of loading and unloading students. The pro-
posed zone would total 243 feet in length and would
be located immediately west of an existing 180 foot
zone; the two zones would accommodate approxi-
mately 20 vehicles. The proposed zone would consist
of white painted curb and would mean no stopping,
standing or parking for any purpose other than loading
or unloading passengers for a time not to exceed three
minutes when school is open.

RES. NO. 4057

Following discussion on the matter, on motion of
Councilman Ehrhardt, Hughes second, Council
adopted Resolution No. 4057 establishing a passenger
loading and unloading zone at Erma Reese School.

DOWNTOWN
UTILITY DISTRICT
III

City Manager Graves apprised the Council that on
February 7, 1973, the City Council adopted the
Downtown Underground Utility Master Plan encom-
passing the area bounded by Lodi Avenue, Locust
Street, Church Street and Sacramento Street. In-
cluded in the adoption of that master plan was phasing
to accomplish the undergrounding of the master plan
over a 5-year period. District I has been completed
and District II will be under construction shortly. As
part of the design of Downtown Underground District
II, it was necessary, as a practical matter, to do
some work in the future Downtown Underground
District III. Pacific Telephone Co., under their
rules and regulations, cannot do undergrounding of
this nature without an official underground district
being formed. The City Manager recommended that
Council take the steps necessary to formulate Under-
ground Utility District III. The Underground Utility
District III will include the area bounded by Oak Street
on the south, Pine Street on the north, Church Street
on the west, and Sacramento Street on the east.

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**RESOLUTION
SETTING PUBLIC
HEARING THEREON**

RES. NO. 4058

On motion of Councilman Katnich, Ehrhardt second, Council adopted Resolution No. 4058 calling a Public Hearing on May 7, 1975 at 8:00 p.m. to determine whether public necessity, health, safety, or welfare requires the formation of an Underground Utility District III located between Church and Sacramento Streets and between Pine and Oak Streets.

City Manager Graves advised the Council that it will be necessary for the City to acquire property located in the alley behind K & K Tire Sales and the Carpet Warehouse for the placing of a pad-mount transformer in Underground Utility District II.

**R/W AGREEMENT
APPRVD. GLORIA
GREEN COVEY and
BARBARA GREEN
RAY & CITY OF
LODI**

Councilman Pinkerton moved that Council approve the right-of-way agreement between Gloria Green Covey and Barbara Green Ray and the City of Lodi whereby the City agrees to pay the owners \$400.00 for the parcel; authorize the City Manager to execute said agreement on behalf of the City; and authorize the City Clerk to accept the deed. The motion was seconded by Councilman Ehrhardt and carried.

The City Manager also advised the Council that it will be necessary for the City to acquire property located at the southwest corner of the Firestone Store Parking lot on South Sacramento Street, for the placing of a pad-mount transformer in Downtown Underground District II.

**R/W AGREEMENT
APPROVED
BARBERA PACKING
CORP. & CITY OF
LODI**

On motion of Councilman Ehrhardt, Hughes second, Council approved right-of-way agreement between Barbera Packing Corporation and the City of Lodi whereby the City agrees to pay the owner \$200.00 for the parcel, authorized the City Manager to execute said agreement on behalf of the City, and authorized the City Clerk to accept the deed.

**REPORT FROM
ROBERT T.
ANDERSON RE:
LITIGATION**

Councilman Pinkerton apprised Council that he had been in contact with the McGeorge School of Law in Sacramento regarding researching the enjoining of State Legislators from voting on legislation or participating in the legislative process with respect to legislation which is favored or supported by persons or entities from whom State Legislators received in excess of a specific amount of campaign contributions and Councilman Pinkerton will be meeting with them shortly. Councilman Pinkerton then requested that this item be deferred to a later date. Council concurred.

Following introduction of the matter, City Manager Graves presented the following bids which had been received for the "Evaporative Condensers Addition - Public Safety Building":

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	<u>BIDDER</u>	<u>AMOUNT</u>
AWARD- EVAPORATIVE CONDENSERS ADDITION-PUBLIC SAFETY BLDG.	Camellia City Mechanical	\$21,532.00
	Henderson Bros. Co., Inc.	\$22,745.00
	Park Sheet Metal Works	\$26,126.00

RES. NO. 4059

The City Manager recommended that the award be made to the low bidder, Camellia City Mechanical in the amount of \$21,532.00.

Discussion followed, with Councilman Katnich moving for adoption of Resolution No. 4059 awarding the contract for the "Evaporative Condensers Addition - Public Safety Building" to Camellia City Mechanical, the low bidder, in the amount of \$21,532.00. The motion was seconded by Mayor Schaffer and carried.

PROP. 9 FORMS
720 A-G FILED BY
C. M.

On motion of Councilman Pinkerton, Hughes second, Council received Proposition 9 Forms 720 A-G covering the period of January 7, 1975 through March 12, 1975 as filed by City Manager Henry A. Graves.

UMTA FUNDS
AVAILABLE

The City Manager presented a letter dated April 4, 1975 received from the San Joaquin County Council of Governments advising that COG is obtaining technical study funds from the Urban Mass Transportation Administration to assist in public transit implementation planning in San Joaquin County, amounting to \$15,000 for this fiscal year, and advised that COG expects to receive an additional \$15,000 for next fiscal year. The letter also states that three areas of the County are considering the installation of new (Lodi and Tracy) or improved (Stockton) transit services. These funds are being made available to each area by COG to assist in implementation work. The City of Tracy is ready to start their final implementation planning and can make use of the \$15,000 available in 1974-75. COG requests concurrence from the City of Lodi to expend the entire \$15,000 available for fiscal year 1974-75 for implementation in Tracy.

On motion of Councilman Katnich, Ehrhardt second, Council acquiesced the proposal from San Joaquin County Council of Governments that technical study funds from the Urban Mass Transportation Administration in the amount of \$15,000 be expended for implementation in Tracy; directed Staff to so inform COG by letter; and to also advise COG that the City Council expressly indicated a need for UMTA funds in 1975-76 for the City of Lodi.

STREET CROSSING
AT MILLS AVE. &
TOKAY ST.

Mayor Schaffer requested staff to check into the street crossing at Mills Avenue and Tokay Street, indicating that complaints had been received regarding fast vehicular traffic in that area from parents concerned for the safety of their children.

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**SUPPORT OF BICYCLE
FACILITIES ENCOURAGED**

Council was informed of a letter received from the American Association of University Women encouraging the Council to continue its support of bicycle facilities within the City of Lodi. A discussion followed, with no action being taken by the Council at this time.

**PROPOSED COG 1975-76
BUDGET RATIFIED**

The City Manager presented to the Council the proposed 1975-76 San Joaquin County Council of Government's budget. This budget is submitted to the Council in conformity with the provisions of the Joint Power Agreement under which the COG was formed.

After Council discussion and review, on motion of Mayor Schaffer, Ehrhardt second, the Council ratified the proposed 1975-76 San Joaquin County Council of Governments' budget as submitted.

**CITY COUNCIL-CITY
MANAGER RETREAT**

Councilman Ehrhardt spoke to the subject of the City Council member - City Manager Retreat recently held at Twain Harte Lodge, Twain Harte, California.

Following introduction of the matter by City Manager Graves, Council discussed at length AB 15 (Warren), which prohibits development on prime agricultural land.

**COUNCIL OPPOSES
AB 15**

On motion of Councilman Hughes, Ehrhardt second, Council indicated its opposition to AB 15.

ADJOURNMENT

There being no further business, on motion of Councilman Pinkerton, Ehrhardt second, the meeting was adjourned at approximately 9:20 p.m. by Mayor Schaffer.

Alice M. Reimche
Attest: ALICE M. REIMCHE
City Clerk